

ATTACHMENT II

Declaration Under Rule 1.131 of James A. Satchell, Jr.

(with true copy of U.S. Application 08/429,583)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of

Inventors: James A. SATCHELL, Jr. et al

Original U.S. Patent No. 5,822,216, issued October 13, 1998

Reissue Application Serial No.: 09/686,626

Group Art Unit: 2121

Reissue Application Filing Date: October 12, 2000

Examiner: S. Garland

For: VENDING MACHINE AND COMPUTER ASSEMBLY

DECLARATION UNDER 37 CFR 1.131

I, James A. Satchell, Jr., am over the age of twenty-one years and if called to testify would be fully competent to testify as to the following:

1. All statements made herein are based on personal knowledge;
2. That I am a co-inventor of U.S. Patent No. 5,822,216 based on an application filed September 18, 1996, under U.S. Application Serial No. 718,232, and am the sole inventor of a patent application filed on August 17, 1995, under U.S. Application Serial No. 429,583, the benefit of which is claimed under 35 USC 120 in the present application for reissue of the aforementioned U.S. Patent;
3. I am fully familiar with the present reissue application, including the Office Action issued by Examiner Steven R. Garland on August 26, 2002, in which Examiner Garland mistakenly asserts that "the introduction of the term 'internet' appears in the 08/715,232 application filed by joint inventors";
4. Attached is a true copy of application 08/429,583 obtained from the records of the United States Patent and Trademark Office and applicants respectfully direct the

examiner's attention to the USPTO mailroom date-stamp of December 26, 1995 (also bearing a Group 310 date-stamp of January 17, 1996), which expressly talks about "internet/worldwide web receptacle: connection point" at page number 4 thereof (item 5(b)) as well as the use thereof with the internet/worldwide web as recited at paragraph 14 (page no. 5a) and a claim to a combination of internet/worldwide vending machine on page no. 6 thereof. The access by customers of the internet/worldwide web (WWW) is discussed at paragraph 2(2) on page 3 thereof and other disclosure of internet/worldwide web can be found throughout such amendment, for example, on page 4, section 7(b). Various mechanisms to implement the method and internet/worldwide web vending machine are also disclosed, including but not limited to the drawings;

5. I, James A. Satchell, Jr., declare that at least as early as December 26, 1995, I had possession of the invention of using a vending machine as a source for customer access to the internet/world wide web as corroborated by receipt by the United States Patent and Trademark Office on that date in a file which remained copending with the application which matured into the patent for which reissue is sought and, as such, predate the Bernstein et al, Barcello, Peters, Brown, Small and Hill, III references cited in the Office Action; and
6. Further, declarant is attempting to obtain additional evidence, corroborated by former and/or current employees of the United States Patent and Trademark Office concerning corroboration of an earlier date of invention by James A. Satchell, Jr.

Further, Affiant sayeth not.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

NOVEMBER 12, 2002 James A. Satchell Jr.
Date James A. Satchell, Jr.

Residence: Tuskegee, Alabama

Citizenship: United States

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Attachment

File Wrapper of U.S. Patent Application No. 08/429,583